

1 UNITED STATES DISTRICT COURT
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA
3 OAKLAND DIVISION

4
5 SIERRA CLUB, *et al.*,

6 *Plaintiffs,*

7 v.

8 MICHAEL S. REGAN, in his official
9 capacity as the Administrator of the
10 United States Environmental Protection
11 Agency,

12 *Defendant.*

)
)
)
)
) Civ. No. 4:21-cv-06956-SBA
)

13 **STIPULATION AND ORDER TO**
14 **VACATE REMAINING**
15 **DEADLINES**

16 Plaintiffs Sierra Club, Natural Resources Defense Council, and Environmental Integrity
17 Project and Defendant Michael S. Regan, Administrator of the United States Environmental
18 Protection Agency (“EPA”) (collectively, the “Parties”) stipulate as follows:

19 1. The Parties have reached an agreement that would resolve all issues remaining in this
20 matter, other than the claim for costs of litigation, including attorneys’ fees, and have
21 memorialized that agreement in a proposed Consent Decree.

22 2. The appropriate officials at EPA and the United States Department of Justice and the
23 appropriate decision makers at Sierra Club, Natural Resources Defense Council, and
24 Environmental Integrity Project have approved the proposed Consent Decree.

25 3. Pursuant to section 113(g) of the Clean Air Act, 42 U.S.C. § 7413(g), EPA published
26 a notice of the settlement in the *Federal Register* and held open a public comment period that
27 allowed persons not named in this case to comment on the proposed Consent Decree. Proposed
28 Consent Decree, Clean Air Act Citizen Suit, 87 Fed. Reg. 21,118 (Apr. 11, 2022). EPA and DOJ
have considered the comments received and concluded that the comments did not disclose facts
or considerations that warrant EPA or DOJ withholding consent.

4. The Parties have moved to enter the proposed Consent Decree. Dkt. No. 32.

1 5. In light of the Parties' impending settlement, the Parties request that the Court vacate
2 all remaining litigation deadlines in this case as originally set forth in Dkt. No. 5 and as extended
3 in Dkt. No. 31.

4 6. Pursuant to Local Civil Rule 5-1(h)(3), the undersigned counsel for Defendant attests
5 that the other signatories listed below concur in the filing of this document.

6
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8 Dated: June 21, 2022

Respectfully submitted,

9 s/ Paul Caintic

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s/ Patton Dycus

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*Counsel for Plaintiff Environmental
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21 s/ Andrea Issod

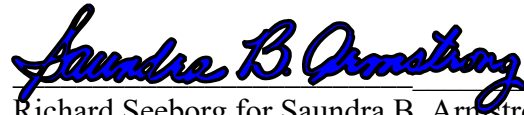
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26 *Counsel for Plaintiff Sierra Club*
27
28

* * *

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: 6/27/2022

 RS
Richard Seeborg for Sandra B. Armstrong
United States District Judge